

**Bountiful City  
Administrative Committee Minutes  
February 22, 2016**

**Present:** Chairman – Chad Wilkinson; Committee Members –John Marc Knight and Todd Christensen; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren

**Excused:** Lloyd Cheney

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present.

**2. Consider approval of minutes for February 8, 2016.**

Mr. Knight made a motion to approve the minutes for February 8, 2016. Mr. Wilkinson seconded the motion.

<u>  A  </u>	Mr. Wilkinson
<u>  A  </u>	Mr. Knight
_____	Mr. Christensen (abstained)

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 1250 South Oakridge Lane, Alan Perkins, applicant.**

Neal Barth (Go Solar Group), representing the applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-3 Single Family Zone. Solar power panels are classified in the city ordinance as “private power plants” and require a conditional use permit if they are over 10 watts. The applicant has indicated that the photovoltaic system to be installed will produce 9.99 kilowatts (9,900 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 2 photovoltaic arrays with a total of 37 panels. The arrays will occupy approximately 648 square feet, which is smaller than the 50% maximum roof coverage. One southeast facing roof slope will have 16 panels with 2 rows of 8 panels each. The other southeast facing roof slope will have 21 panels with 3 rows of 7 panels each. The panels will be connected to the roof by flash-mounted ¾” lag bolts. The roof is of truss construction, has a slope of 5:12, and the shingles are less than a year old. A review of information provided in the application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the conditional use permit with the following conditions:

1. The applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

**PUBLIC HEARING:** Chairman Wilkinson opened and closed the Public Hearing at 5:03 p.m. with no comments from the public.

Mr. Knight noted this application was similar to most with the exception of the size. Mr. Wilkinson pointed out that the size of 9.99 kW is almost the maximum permitted. Mr. Barth stated his company's desire to adhere to the municipal's jurisdiction and policies. Mr. Christensen inquired if there were any concerns raised by neighbors. Mr. Hulka said there had not been any concerns brought to his attention. Mr. Christensen asked if the project complies with the code. Mr. Hulka stated that it does and that there are tall trees around the property which make the solar panels much less visible to neighbors. Mr. Barth also noted that the house is set back from the property line and the neighbors are below the property.

Mr. Knight made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 1250 South Oakridge Lane, Alan Perkins, applicant. Mr. Christensen seconded the motion.

<u>A</u>	Mr. Wilkinson
<u>A</u>	Mr. Knight
<u>A</u>	Mr. Christensen

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1405 East Mueller Park Road, Gary and Annette Nelson, applicants.**

Annette Nelson, applicant, was present along with her contractor, Shane Anderson.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The applicant's proposed home is in the R-3 Residential Single-Family Zone. The applicant would like to finish the attic space in their home to use as Accessory Dwelling Unit for a family member. Plans submitted show the accessory dwelling will include a full kitchen, a full bath, a washer/dryer, bedroom, and living space. The building permit application for the accessory dwelling unit has been submitted.

Single-family homes with second kitchens can be problematic in maintaining the proper use of the home once the property changes hands or when new situations arise. There can be a desire to use the space as an income producing unit which is not allowed. Therefore, the Code requires approval of a Conditional Use permit and recordation of a deed restriction to

provide notice to future owners that the home is not a duplex and that future use of the accessory unit is subject to specific conditions.

**10-9a-507 Conditional Uses**

2. *A. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*  
  
*B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

According to the plans submitted the home will maintain the appearance of a single-family residential home. There is adequate off street parking to facilitate both the primary residence and the Accessory Dwelling Unit. With the construction of the ADU the home will still meet setbacks, easements, and height restrictions. The ADU will occupy approximately 20% of the square footage of primary structure, which is less than the 25% maximum. The lot is 0.31 acres and the ADU will have minimal impact on neighboring properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The principal owner(s) of the property must occupy the primary structure.
2. No occupancy of the ADU shall occur until after passing final inspection.
3. The property is to be used only as a single-family use and shall be subject to a deed restriction, recorded with Davis County prior to obtaining a building permit.
4. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Anderson noted that the ADU will be used for parents who will be staying a few months per year. The attic is basically framed, and Mr. Anderson will be finishing the space. He stated there will be no separate utilities, and it seems to meet all recommendations presented.

**PUBLIC HEARING:** Chairman Wilkinson opened and closed the Public Hearing at 5:08 p.m. with no comments from the public.

Mr. Knight asked Ms. Nelson if she understood the restrictions for occupancy, and Ms. Nelson responded in the affirmative. Mr. Knight noted that a home with an ADU cannot be sold as a duplex and that any person living in the ADU must be a relative.

Mr. Christensen made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1405 East Mueller Park Road, Gary and Annette Nelson, applicants. Mr. Knight seconded the motion.

A Mr. Wilkinson  
A Mr. Knight  
A Mr. Christensen

Motion passed 3-0.

**5. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business (remodel and repair) at 1147 South 800 East, Thayne Gregory, applicant.**


Mr. Knight made a motion for approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (remodel and repair) at 1147 South 800 East, Thayne Gregory, applicant. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson  
A Mr. Knight  
A Mr. Christensen

Motion passed 3-0.

**6. Miscellaneous business and scheduling.**

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:12 p.m.

  
Chad Wilkinson, City Planner